

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

336A0690

SENATE BILL NO. 172

Introduced by: Senators Kloucek, Hunhoff, Hutmacher, Lange, Lawler, Reedy, Symens, and
Valandra and Representatives Weber, Davis, Lockner, Lucas, and Moore

1 FOR AN ACT ENTITLED, An Act to authorize a moratorium on certain hog confinement
2 operations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. In addition to exercising the authority granted in Title 34A to respond to actual
5 or potential damage to the environment, the secretary of the Department of Environment and
6 Natural Resources may invoke a moratorium on the establishment of any new operation or entity
7 or the expansion of any existing operation or entity for the breeding, farrowing, feeding, or
8 raising of swine in this state as provided in this Act. The secretary may invoke the moratorium
9 if the secretary finds that a pattern of actual or potential damage to the environment has occurred
10 as a result of such operations or if an expansion in the size or number of such operations poses
11 a threat to the environment or if it becomes apparent that environmental damage may occur from
12 further expansion.

13 Section 2. The secretary of the Department of Environment and Natural Resources shall
14 announce the commencement of any moratorium called pursuant to section 1 of this Act in a
15 manner likely to notify interested parties in the state and shall publish notice in at least three

1 official newspapers of the state of at least one public hearing on the matter, the first of which
2 shall be held within thirty days after the beginning of the moratorium. The announcement shall
3 include a description of the scope and application of the moratorium. If the secretary determines
4 that a continuation of the moratorium is warranted by a threat to the environment, the
5 moratorium shall continue in effect until rescinded by the secretary or until the next Legislative
6 Session, whichever comes first. If any such moratorium is in effect at the beginning of a
7 Legislative Session, the Legislature shall determine whether the moratorium is to continue and
8 the length of time before another moratorium may be called.